

ACUERDOS BILATERALES

Clasificación: 05-2010

Fecha de Ingreso: 22 de febrero de 2010

Nombre del Acuerdo: Agreement between the General Secretariat of the Organization of American States and the Electoral Commission of Dominica on the Electoral Observation Process of the 2009 General Elections in Dominica

Materia:

Partes: GS/OAS & The Electoral Commission of Dominica

Referencia: Dominica

Fecha de Firma: 14 de diciembre de 2009

Fecha de Inicio:

Fecha de Terminación:

Lugar de Firma:

Unidad Encargada: Departamento para la Cooperación y Observación Electoral

Persona Encargada: Pablo Gutiérrez

Original:

Claves:

Cierre del proceso:

Notas adicionales:

**AGREEMENT
BETWEEN
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
AND
THE ELECTORAL COMMISSION OF DOMINICA
ON THE ELECTORAL OBSERVATION PROCESS OF THE
2009 GENERAL ELECTIONS IN DOMINICA**

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2009 GENERAL ELECTIONS IN DOMINICA**

The Parties, the Electoral Commission of Dominica (hereinafter referred to as the “Electoral Commission”) and the General Secretariat of the Organization of American States (hereinafter referred to as the “General Secretariat”);

CONSIDERING:

THAT on the 20th day of November 2009, the Government of Dominica (hereinafter referred to as “the Government”), through its Prime Minister, invited the Secretary General of the Organization of American States (hereinafter referred to as the “Secretary General”) to send an Electoral Observation Mission (hereinafter referred to as “the Mission”) to Dominica for the purpose of witnessing the General Elections to be held on December 18, 2009 (hereinafter referred to as the “General Elections”);

THAT in Resolution AG/RES. 991 (XIX-O/89), the General Assembly of the OAS recommended to the Secretary General that “when a member state so requests in the exercise of its sovereignty, missions should be organized and sent to said state to monitor the development, if possible at all stages, of each of its electoral processes;”

THAT Article 24 of the Inter-American Democratic Charter states in pertinent part as follows:

The electoral observation missions shall be carried out at the request of the member state concerned. To that end, the government of that state and the Secretary General shall enter into an agreement establishing the scope and coverage of the electoral observation mission in question. The

member state shall guarantee conditions of security, free access to information, and full cooperation with the electoral observation mission.

Electoral observation missions shall be carried out in accordance with the principles and norms of the OAS. The Organization shall ensure that these missions are effective and independent and shall provide them with the necessary resources for that purpose. They shall be conducted in an objective, impartial, and transparent manner and with the appropriate technical expertise; and

THAT the Secretary General responded affirmatively to the Government's request to send the Mission with the objective of observing the General Elections of 2009;

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

First: Guarantees

a) The Electoral Commission guarantees the Mission access to all facilities for the adequate fulfillment of the observation of the elections in 2009 until conclusion of the General Elections process in Dominica, in conformity with the laws and standards of Dominica and the terms of this Agreement.

b) The Electoral Commission, on the day of and after the day of the elections, shall guarantee the Mission access to all polling stations and other locations and facilities related to the election until the official count is tabulated nationally and the General Elections process is concluded.

c) The Electoral Commission shall guarantee the Mission complete access to the locations in which the process of counting and tabulating votes will take place both before and during this process.

d) The Electoral Commission shall guarantee the Mission access to all electoral bodies responsible for vote counting and tabulation. Similarly, the Electoral Commission shall permit the Mission to conduct any evaluations deemed necessary by the Mission of the voting system and of the communications utilized to transmit electoral results. At the same time, the Electoral Commission shall guarantee the Mission complete

access to the complaints process and quality controls that occur before and after the electoral process that are of interest to the Mission.

e) The Electoral Commission further guarantees the Mission access to all polling stations and other bodies throughout the national territory of Dominica. Upon request of the Mission, the Electoral Commission guarantees to make available by the end of the voting process and, before the closing of the polling stations, copies of all documents printed electronically.

Second: Information

a) The Electoral Commission will furnish the Mission with all information referring to the organization, direction and supervision of the electoral process. The Mission may request of the Electoral Commission such additional information as is necessary for the exercise of the Mission's functions, and the Electoral Commission shall promptly furnish all such information.

b) The Mission may inform the Electoral Commission about any irregularities and/or interference, which the Mission might observe or of which the Mission might learn. Similarly, the Mission may request that the Electoral Commission provide any information regarding the measures which the Electoral Commission will take in relation to such irregularities, and the Electoral Commission shall promptly furnish all such information.

c) The Electoral Commission shall provide the Mission with information related to the electoral list and other electoral data referring to the same. Similarly, the Electoral Commission shall provide all other information relative to the computer systems used on Election Day, and shall offer demonstrations of the systems' operation to the Mission.

Third: General Provisions

a) The Secretary General will designate a Chief of Mission, to represent the Mission and its members before the Electoral Commission and before the Government.

b) The GS/OAS will communicate to the Chair of the Electoral Commission the names of the persons who will comprise the Mission, who will be duly identified.

c) The Mission will act impartially, objectively and independently in the fulfillment of its mandate.

d) The General Secretariat will send to the Chair of the Electoral Commission a copy of the final report of the Electoral Observation Mission following the General Elections in Dominica.

e) The Electoral Commission will make known and disseminate the contents of this Agreement among all electoral bodies and among all personnel involved in the electoral process.

Fourth: Privileges and Immunities

Nothing in this Agreement shall be construed as an express or implied waiver of the privileges and immunities of the OAS, its Organs, its personnel and its assets under the Charter of the Organization; under the Agreement Between the Government and the General Secretariat for the Establishment and Functioning in Dominica of the Office of the General Secretariat, signed by the Parties in 1986; and under the Agreement between the Government and the General Secretariat Regarding the Privileges and Immunities of the OAS Observer Mission for the 2009 General Elections in Dominica, signed by the Parties on the 9th day of December 2009; or under international law.

Fifth: Resolution of controversies

The Parties shall attempt to resolve through direct negotiations any disputes arising in relation to the interpretation and/or implementation of this Agreement. If the negotiations do not result in the resolution of the dispute, the matter shall be submitted to a dispute resolution procedure mutually agreed to by the duly authorized representatives of the Parties.

Sixth: Amendments

Amendments to this Agreement shall be made in writing and signed by the duly authorized representatives of the Parties and attached hereto.

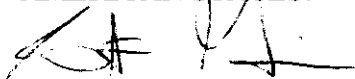
Seventh: Entry into Force and Termination

This Agreement shall enter into force on the date and upon the signature of then duly authorized representatives of the Parties. This Agreement shall remain in force until the Mission has concluded its observation mission of the December 18, 2009 General Elections.

This Agreement may be terminated by either Party with or without cause. Termination must be effected by means of no less than five days' written notice to the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Agreement in duplicate on the date and locations indicated below.

FOR THE GENERAL SECRETARIAT
OF THE ORGANIZATION OF
AMERICAN STATES:



Steven Griner
Chief of Mission
OAS General Secretariat
Roseau, Dominica
Date: December 14, 2009

FOR THE ELECTORAL COMMISSION OF
DOMINICA:



Gerald D. Burton
Chairman
Electoral Commission of Dominica
Roseau, Dominica
Date: December 14, 2009